

Applicant: Paul V. Kelley  
Appl. No. 10/625,508

**AMENDMENTS TO THE DRAWINGS**

Please replace current drawing sheet 1 of 3, containing Figure 1, with the enclosed replacement drawing sheet 1 of 3, in which Figure 1 has been amended to include reference numbers 1, 2, 4, and 20.

Please replace current drawing sheet 2 of 3, containing Figures 2-4, with the enclosed replacement drawing sheet 2 of 3, in which Figure 3 has been amended to include reference number 21.

**REMARKS**

Applicant thanks the Examiner for the careful consideration of this application. Claims 1-4, 6-14, and 16-20 are currently pending. Claims 1, 2, 4, 9, 10, 12, 14, 17, 18, and 20 have been amended. Claims 5 and 15 have been cancelled, without prejudice to or disclaimer of the claimed subject matter. Based on the foregoing amendments and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

**Objections to the Drawings**

The Examiner objected to the drawings under 37 C.F.R. § 1.84(p)(5) for failing to include reference numbers “1”, “2”, and “20” mentioned in the specification. In response, Figure 1 has been amended to include these reference numbers, which were inadvertently omitted from the figure. Figure 1 has also been amended to include reference number “4”, which was also inadvertently omitted.

The Examiner also objected to the drawings under 37 C.F.R. § 1.84(p)(5) for including reference characters “X” and “1.2 X” which were not mentioned in the specification. In addition, the Examiner objected to the drawings under 37 C.F.R. § 1.82(a) for failing to show the “cord length” of claims 4 and 14. The specification has been amended, at paragraph 31, to describe reference characters “X” and “1.2 X”, which represent the “cord length” of claims 4 and 14 and 1.2 times the “cord length.” This amendment to the specification is supported, *inter alia*, by Figure 4 as filed, and original claims 4, 5, 14, 15, and 20. Accordingly, no new matter has been added.

For the above reasons, the Applicant respectfully submits that the objections to the drawings have been overcome and should be withdrawn.

Objections to the Specification

In paragraph 2 of the Office Action, the Examiner objected to the brief descriptions of Figures 4, 5, and 6 because the lines for the sectional view are shown in Figure 3, not Figure 4. Paragraphs 22 to 25 of the specification have been amended to overcome this objection.

Rejections under 35 U.S.C. § 112

Claims 4, 14, and 20 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to meet the enablement requirement. The Examiner noted that neither a cord length nor a 25% difference in cord length had been identified in the drawings. In response, the specification has been amended at paragraph 31 to identify the cord length (shown as reference “X” in FIG. 4) and to describe the “25% difference.” This amendment to the specification is supported, *inter alia*, by Figure 4 as filed, and original claims 4, 5, 14, 15, and 20. Accordingly, no new matter has been added. Applicant respectfully requests that this rejection be withdrawn.

Claims 1-20 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. In particular, claims 1, 12, and 20 stand rejected for having insufficient antecedent basis for the claim element “said inner edge.” These claims have been amended to replace “said inner edge” with “said inner portion,” for which there is sufficient antecedent basis. Claims 1, 12, and 20 also stand rejected for having insufficient antecedent basis for the claim element “the concave surface.” These claims, along with claims 9, 10, 17, and 18, have been amended to replace “the concave surface” with “the concave wall,” for which there is sufficient antecedent

basis. The Examiner stated that it is unclear what the “difference” claimed in claims 4 and 14 is between. In response, claims 4 and 14, as well as claim 20, have been amended to clarify the claimed subject matter. Applicant respectfully submits that the rejections under 35 U.S.C. § 112, paragraph 2 have been overcome, and should be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1, 2, 6-13 and 16-19 stand rejected under 35 U.S.C. § 103(a) as being obvious over JP8-301253 to Tomizawa in view of U.S. Patent Application Publication No. 2002/0074336 to Silvers and U.S. Patent No. 5,971,184 to Krishnakumar. The Applicant respectfully traverses this rejection.

Amended independent claims 1, 12, and 20 recite a non-round base structure for a blow-molded container having rectangular sidewalls, comprising, *inter alia*, a flexible vacuum absorbing area having a roughly ellipsoidal inner portion. An illustrative example of the roughly ellipsoidal inner portion is represented, for example, by reference number 22 of Figure 3 of the application as filed. Neither Tomizawa, Silvers, nor Krishnakumar discloses or suggests a flexible vacuum absorbing area having a roughly ellipsoidal inner portion. Rather, each of these references – to the extent any they can be considered to have a “flexible vacuum absorbing area” – has an “inner portion” that is *round*.

When implemented in a rectangular container, the roughly ellipsoidal inner portion of claims 1, 12, and 20 can help even out the force distribution on the flexible vacuum absorbing area, allowing the container to be “lightweighted” as compared to prior art designs having a round inner portion. None of the cited references discloses a flexible vacuum absorbing area

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having the claimed roughly ellipsoidal inner portion. Nor would it have been obvious to modify the *round* “inner portions” of the cited references to be roughly ellipsoidal. Accordingly, independent claims 1, 12, and 20 are patentable over Tomizawa, Silvers, and Krishnakumar, whether considered alone or in combination. Claims 2-4, 6-11, 13-14, and 16-18 depend from allowable base claims, and are patentable for the same reasons, as well as for reciting additional features. The Applicant respectfully requests withdrawal of this rejection.

### **Conclusion**

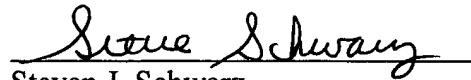
All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

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Respectfully submitted,

Date: June 21, 2005

A handwritten signature in cursive script, reading "Steven J. Schwarz", written over a horizontal line.

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